

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION (PCT Rule 66)

To:

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Date of mailing
(day/month/year)

24.06.2004

Applicant's or agent's file reference
11134P1 /IO/ED

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/GB 03/04025

International filing date (day/month/year)
19.09.2003

Priority date (day/month/year)
26.09.2002

International Patent Classification (IPC) or both national classification and IPC
A47G25/00

Applicant

RECKITT BENCKISER (UK) LIMITED et al.

1. This written opinion is the first drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 26.01.2005

Name and mailing address of the international preliminary examining authority:



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WRITTEN OPINIONInternational application No. **PCT/GB 03/04025****1. Basis of the opinion**

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-13 as originally filed

Claims, Numbers

1-15 as originally filed

Drawing(s), Sheets

1/5-5/5 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

WRITTEN OPINIONInternational application No. **PCT/GB 03/04025****V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

| | | |
|-------------------------------|--------|----------------|
| Novelty (N) | Claims | |
| Inventive step (IS) | Claims | 1-3, 10-15; No |
| Industrial applicability (IA) | Claims | |

2. Citations and explanations

see separate sheet

D1: Patent Abstracts of Japan vol. 1998, no. 11, 30.09.1998 & JP-A-10165288
D2: US-A-5078668

Ad Section V:

1. C discloses an odour absorbing, air-permeable clothes cover comprising an upper woven cloth sewed on three sides to form an envelope for an item of clothing. The lower envelope edge is open and the top edge comprises an opening for a hanger. It follows that claim 1 differs from D1 in that an opening is formed on the front surface extending directly from the lower opening, forming a pair of flaps in the front surface. According to the description, said novel features facilitate the accessibility of clothing within the cover.

To solve the same problem, D2 discloses a similar clothes cover (12) comprising a elongate slit (26) covered by a flap (28). Thus, it is an obvious possibility for the skilled person to apply the slit/flap arrangement of D2 to the cover of D1 and thus arrive at the scope of claim 1. It follows that claim 1, as well as dependent claims 2, 3 and 10-14, fail to meet the requirements of Art. 33(3) PCT. This conclusion applies equally to method (use) claim 15.

Further Comments:

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.
2. The reference WO 98/303026 cited on page 6 is probably wrong.